

Minutes of the Planning Commission Meeting of October 1, 2015 6:00 P. M.

MEMBERS PRESENT: Mayor Richard H. Albier, Chairman  
Katie Gallagher, Council Representative  
Ray Porterfield  
Joe Polidori  
Jim Oper

ABSENT: Barbara Stanton, Secretary

ALSO PRESENT: Kathy Messeri, Acting Secretary  
Dave Kulcsar, Building Commissioner

Mayor Albier: Called the Brooklyn Planning Commission meeting to order. Clerk, call the roll: Mayor Albier, "here", Katie Gallagher, "here", Ray Porterfield, "here" Joe Polidori, "here", Jim Oper, "here".

A motion to approve the minutes from September 3, 2015 was made by Katie Gallagher, second by Jim Oper.  
**Vote Resulted: Yes** – Katie Gallagher, Ray Porterfield, Joe Polidori, Jim Oper. Abstain: Mayor Albier

Mayor Albier: Request from Flamingo Kid Signs, Inc. to install a vinyl banner sign on building front for business identification of Halloween City located at 4798 Ridge Road P.P. #433-07-008. (Banner sign to be removed after the holiday). Commissioner Kulcsar: This is a seasonal business and the banner sign will be removed after the holiday. After further discussion a motion was made by Katie Gallagher, second by Ray Porterfield to approve the request from Flamingo Kid Signs, Inc. to install a vinyl banner sign on building front for business identification of Halloween City located at 4798 Ridge Road. (banner sign to be removed after the holiday).

Mayor Albier: Request from Riverstone Land Surveying representing Bert Edwards of Intermodal One, LLC for a lot consolidation located at 8215 Clinton Road and vacant lot on Associate Avenue P.P. #431-13-042, 431-13-048, 431-14-020. Commissioner Kulcsar: The objective for this consolidation is to create parking and a driveway. The business is on Clinton Avenue and this will create parking on Associate Avenue. Ed Dudley from Riverstone Land Surveying was present. Mr. Dudley: The property is being purchased. The plans were submitted for a parking lot. Mayor Albier: Does the property on Associate Avenue have any access? Mr. Dudley: Yes. The Commission reviewed the plans. The intent is to have the Intermodal One trucks access from Clinton Road through the parking lot to Associate Avenue. Commissioner Kulcsar: Is the 20 foot enough for trucks to maneuver? Mr. Dudley: I am not sure if the semi's will have the trailer attached or if it is just to get the cabs through the area. Commissioner Kulcsar: We will need engineering approval on this. I will also contact the Police Department to be sure there are no issues opening that driveway. There is no objection to the lot consolidation at this time. After further discussion approval for a lot consolidation located at 8215 Clinton Road and vacant lot on Associate Avenue. **Vote Resulted: Yes** – Mayor Albier, Katie Gallagher, contingent on engineering approval and the Police Department approval, Ray Porterfield, Joe Polidori, Jim Oper.

Mayor Albier: Request from Kenneth Ragland of Keystone Tailored Manufacturing for site plan approval of exterior building renovation located at 4600 Tiedeman Road P.P. #432-05-003. Commissioner Kulcsar has the full scale drawing to review. Commissioner Kulcsar: The proposal is to have a small retail store in the front of the factory building. Opening up with taller windows, an entrance way and awnings. No variances are required and the Building Department has no objections. Mayor Albier: How large is the retail store? Commissioner Kulcsar: It is a few hundred square feet. No zoning or building code issues with this request.

It is a small accessory structure to the business. After further discussion approval was made for site plan approval of exterior building renovation located at 4600 Tiedeman Road. **Vote Resulted: Yes** – Mayor Balbier, Katie Gallagher, Ray Porterfield, Joe Polidori, Jim Oper.

#### Old Business:

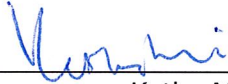
Mayor Balbier: Request from LS Architects, Inc. for site plan approval for a parking lot expansion re design located at 4630 Ridge Road P.P. #432-23-014. Deferred from the Special Planning Commission meeting dated July 20, 2015. Commissioner Kulcsar: I spoke to Stan Loch, and the County records show that there is a property line and also coincides with our zoning map for the parcel around Ridge Park Manor. There was some sort of mix up with the County several years ago. That lot was not intended to have a separate parcel. What the County shows is a lot line that runs between the proposed detention basin and the parking area. Plans were reviewed by the Commission. Commissioner Kulcsar: If this would be corrected, they will still need to do something with the lot lines. They may need to consolidate/split the lot lines. Supposedly the property lines run from Ridge Road and Biddulph Road to Radoan Road. There will need to be clarification of where the lot lines actually are. As it is drawn now the detention and parking are crossing the property line as the County shows it. The cemetery property is zoned residential, where as Ridge Manor is zoned retail business. There are a few things to clear up. This will cause some issues with setbacks and encroachments until it is clarified by the County. Parking lot lighting is required. There is a tent shown that will need to be constructed and approved by the Ohio Building Code depending on its use; temporary and length of time. There is shown on the drawings a 1200 square foot tent on the property. The size of the gazebo and the setback is not shown on the plans submitted. Mayor Balbier: The culvert and the covered drainage will that be part of the parking lot? Joe Gallo: Yes. Mayor Balbier: What is the tent being used for? Mr. Gallo: It is going to be temporary for seasonal special events. Mayor Balbier: The detention basin looks like it is on the cemetery property. These are two separate things. Stan Loch: We are working with the title company to correct the lot lines. There is no actual line there. It is all one piece. Something must have happened back in the 20's. Mayor Balbier: You will need to correct this through the County. As it appears the detention basin isn't on the same property. Commissioner Kulcsar: The zoning code shows a property line there. Mayor Balbier: How many other pieces of property are there? Commissioner Kulcsar: It abuts to one other church property. The properties that are directly behind the houses on Ridge Road is the other parcel of the church property. Katie Gallagher: Is any of this built on the residential property? Commissioner Kulcsar: Yes, close enough to the setback requirements that would need to be met. If they clear this up with the County and push the property line further back, than that would eliminate most of the problems. Commissioner Kulcsar: It all is how the County had this recorded. The City does the zoning but it is based geographically from the County records. Wayne Vidovich: How did this renovation come this far without the property lines being questioned previously? Commissioner Kulcsar: Plans were just recently provided that showed there was no line there and the City's zoning showed there are lot lines. Fr. Zdinak: What is the process for the church to consolidate the parcels? Commissioner Kulcsar: You just witnessed the start of the process. Fr. Zkinak: Would there be any opposition from the Planning Commission to consolidate the parcels? Commissioner Kulcsar: I cannot image that this would be a problem. As it is right now it doesn't conform to City zoning. If you created or eliminate a property line that would then conform. The Commission reviewed the parcel lines. Katie Gallagher: Has Doug Courtney been out to the site? Commissioner Kulcsar: Doug Courtney put together an inspection notice and violation to be abated. As of yesterday they were pretty much done with everything. I was out there yesterday and it is completed. Katie Gallagher: Are they in compliance with other issues that came up? Commissioner Kulcsar: At this point yes they are in compliance. At this time there are permits for the interior work. The exterior work is approved and waiting for the paperwork. The paperwork should be done tomorrow for on and in the building. There are no permits on the site itself. Mayor Balbier: The only issue tonight is the boundary lines. John Celaschi: In regards to the tent, will there be bands playing during the summer? Mr. Gallo: Yes. John Celaschi: I live next door and my living room sets right where the tent will be placed. Katie Gallagher: The tent is not being approved tonight. Commissioner Kulcsar: All noise ordinances will need to be adhered to. There was further discussion regarding the tent and its location. Commissioner Kulcsar: I would suggest that any questions the board has of the applicants to be addressed or

answered should be brought up at this time. They will need to be heard by the Planning Commission for a lot split/consolidation. Katie Gallagher: Legally this cannot be approved. Mr. Gallo: Why is that? Katie Gallagher: The lots are not consolidated yet and it is zoned incorrectly. Mr. Gallo: Why is that our fault? Wayne Vidovich: Let us continue to do what we are doing. Why should that preclude us and wait another month. We have a business to run. We can't afford not to move forward. We should be at a point now that we should be able to move forward. The zoning is not our problem. Fr. Zdinak: The only portion that we are talking about is at the end of the parking lot (retention Pond). That is the parcel that is in question. If everything else is in compliance, and you are willing to approve the engineering which is correct. We are trying to at least finish the portion around the building. The parking lot will not be addressed until possibly next year. We would like to complete the site around the business. If you would approve a contingency for us to complete the upper portion of the building at the corner of Ridge and Biddulph. We will work on getting the parcels corrected. We have one thing from the County and you have another. We need to maintain the business in order to pay the bills that we are incurring. Commissioner Kulcsar: I cannot grant any approval for any soil disturbing activity. Whatever you are doing around the building or if it is in the back of the creek; without having EPA approval, City Engineer approval and the County Public Works. Mr. Gallo: Can we pour the concrete at the car port so the customers do not have to walk through stones? We have two old people that we need to pay for the replacement of their hips. Commissioner Kulcsar: Honestly Joe, you shouldn't have started it. You started the work prior to approvals. If you want to try to present an alternate this evening you can. You cannot do anything on the site. Mr. Gallo: You are sending me emails stating we are not in compliance but the School Board is not in compliance either. Commissioner Kulcsar: We cannot give you an approval until you have the EPA approval. Wayne Vidovich: Do we need to wait another month to get the approval? Commissioner Kulcsar: I do not know how that process is going. You submitted to the EPA and we are waiting for the approval. Wayne Vidovich: We walked the site, we talked and this is the second meeting I've come to and my question is I was looking for a win, win. I am looking for you to go a little bit further above and beyond to get this done. Commissioner Kulcsar: I have gone way above and beyond to try to assist you in this process. I cannot grant the approval of the site without first having the EPA, the City's Engineer's approvals. Mr. Gallo: I have a permit from the EPA. Commissioner Kulcsar: We will also need the City Engineer's approval and the County Public Works permit. Mr. Gallo: How long should that take to obtain? Commissioner Kulcsar: I can ask the City Engineer when he will have the review completed. The other permits are out of my control. Mr. Gallo: Replacing existing asphalt is not permitted? Commissioner Kulcsar: There are stipulations. You can do the temporary that you were previously talking about. Any patching of the existing is acceptable. Mr. Gallo: The drop off area cannot be completed. Does the City want us to go out of business? Does the City want to buy the property? Mayor Balbier: The City has no intentions of purchasing the property. Mr. Gallo: I have been in construction work in a lot of communities. This is really an unfriendly community. I was here for 22 years. Here is a facility that has been in the community for a very long time. Since I have been on board, I tripled the business at this property. Katie Gallagher: The City wishes nothing but success for you. The reason why City's create zoning rules and commissions is to preserve the City legally. There are guidelines from the City. We do not want flooding issues. Wayne Vidovich: Joe did some stuff that he wanted to do without permits. Tonight you are going to show Joe who is running the show. Katie Gallagher: For me personally, the trust happens when you aren't deceived. I am representing the tax payers of the City. That is my job. If you were in my position, would you do the same thing? Wayne Vidovich: No, if I were in your position this is what I would do. Leadership to me is measured by accomplishments. Not who is right or wrong. Getting things done together. My point, if we have the EPA permit, why does the approval need to wait another entire month. Fr. Zdinak: Considering if we get the EPA permit, City Engineering and Public Works permit in order, the only stumbling block for the site is the parcel boundaries. Can you approve this contingent on this so we can start the upper end around the building? When I received the letter from the City regarding the violations I was bewildered. We are a cemetery and we deal with dirt all the time. I have a director running the cemetery. When I spoke to Dave, we did start work on this immediately. We have always tried to cooperate with the City. We are good civic partners with the City. I am asking to consider working around the building. We are trying to run a business that is costing us money. Katie Gallagher: Dave stated you can work on the inside and outside of the building. Is there anything else you are asking of the Commission? Fr. Zdinak: I am asking if you could approve the site plan contingent on

the three items, we can finish the patio and the sidewalk for the emergency egress from the lobby and pour concrete at the main entrance so do not have people falling. Katie Gallagher: I am completely against the parking lot. About six months ago Cleveland Baptist Church came to the Commission and we would not approve the request until the lot consolidation and re zoning was in place. The plans were reviewed again by the Commission. Joe Polidori: I will need to abstain on this request. I do not see any problem with the request that was just proposed. There was further discussion. Commission Kulcsar: We will need some sort of documentation explaining what portion of these plans is approved right now. Kathy Pucci: The current situation is in existence because the appropriate permits were not submitted. Commission Kulcsar: Yes. Mayor Balbier: I think there is a safety issue as it presently stands. There was discussion regarding the trash containers on the site not being maintained. After further discussion Katie Gallagher made the motion to approve a request from LS Architects, Inc. to perform work around the perimeter of the building only upon written approval and directive of the City Engineer, second by Jim Oper. **Vote Resulted: Yes** – Mayor Balbier, Katie Gallagher, Ray Porterfield, Jim Oper. Abstain: Joe Polidori.


A motion was made by Mayor Balbier, second by Ray Porterfield to adjourn. **Vote Resulted: Yes** – Mayor Balbier, Katie Gallagher, Ray Porterfield, Joe Polidori, Jim Oper.

Meeting adjourned.



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Kathy Messeri  
Acting Secretary



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Mayor Richard H. Balbier  
Chairperson